

# **RAILROAD CROSSING MAINTENANCE FUND**

## **CALIFORNIA PUBLIC UTILITIES COMMISSION RAIL CROSSINGS AND ENGINEERING SECTION**

**April 6, 2015**



### **Summary**

The California "Grade Crossing Protection Maintenance Fund" (Maintenance Fund) was established by the California State legislature in 1965 to pay to railroads the local roadway authority's (city or county) share of the cost of maintaining automatic warning devices at highway-rail crossings (crossings) (historically termed "automatic protective devices" at "grade crossings") that are installed or upgraded after October 1, 1965.

When the Maintenance Fund was first established in 1965, the maximum annual allocation of \$1,000,000 was sufficient to cover all claims filed by railroads. However, the increase in the number of automatic warning devices and the increase in cost for maintaining these devices caused claims to exceed the funds available for calendar year 1977 and thereafter.

For most crossings, the maintenance costs for automatic warning devices have historically been apportioned 50% to the railroad and 50% to the local roadway authority. For a new crossing, the automatic warning device



maintenance costs are apportioned pursuant to the agreement between the railroad and the local roadway authority.

Railroads perform the required maintenance during a given calendar year and file a claim with the California Public Utilities Commission (CPUC/Commission) for reimbursement of the local roadway authority's share of the maintenance costs. The CPUC verifies the claims and forwards valid claims to California Department of Transportation (Caltrans) for payment. The California Transportation Commission (CTC) pays the claims from the allocation it made in the Caltrans budget. Claims and payments for the past five years were as follows:

### **Claims and Payments for the Maintenance Fund**

| <b>Calendar Year</b> | <b>Fiscal Year</b> | <b>Number of Crossings</b> | <b>Total Claims</b> | <b>Total Paid</b> |
|----------------------|--------------------|----------------------------|---------------------|-------------------|
| 2009                 | 09-10              | 2,710                      | \$3,829,679         | \$2,000,000       |
| 2010                 | 10-11              | 2,690                      | \$3,804,459         | \$2,000,000       |
| 2011                 | 11-12              | 2,667                      | \$3,778,156         | \$2,000,000       |
| 2012                 | 12-13              | 2,655                      | \$3,763,433         | \$2,000,000       |
| 2013                 | 13-14              | 2,662                      | \$3,771,183         | \$2,000,000       |

The CTC approved the increase to the CPUC's Railroad Grade Crossing Maintenance Program Set-Aside for the Fiscal Year 2015-16 State Budget, from \$2,000,000 to \$3,765,000, as CPUC requested in Resolution SX-114.

#### **Public Utilities Code Section 1231.1**

Public Utilities Code Section 1231.1 requires Caltrans to set aside a minimum of one million dollars (\$1,000,000) in its annual budget, for allocation to the CPUC for the Maintenance Fund program.



## Established Costs for Annual Maintenance

For the purposes of Maintenance Fund payments to railroads, the established cost of maintaining automatic warning devices at a crossing is based on the type of warning devices installed (automatic gates with flashing lights or just flashing light signals), and the type of railroad line (main, branch, or other). Currently, there are 5 categories with associated established costs for annual maintenance.

On September 4, 1984, the Commission approved Decision (D.)84-09-057 (A.82-05-05), which established a methodology for determining the maintenance costs of automatic warning devices at crossings. In 1986, the railroads conducted a subsequent study and revised the methodology used. The Commission approved the new methodology on January 13, 1988, per D.88-01-018 (A.87-07-025).

In 1989, the railroads conducted another study and revised the methodology used, which the Commission approved on December 3, 1992, per D.92-12-009 (A. 91-06-027). No further revisions have occurred and since 1992 the Commission has used the following amounts:

### Established Costs for Annual Maintenance

CPUC Decision D.92-12-009 of December 3, 1992

| Crossing Type             | Costs   |
|---------------------------|---------|
| Main line                 | \$3,125 |
| Branch line with gates    | \$2,263 |
| Branch line without gates | \$1,130 |
| Other line with gates     | \$1,672 |
| Other line without gates  | \$836   |



## Maintenance Fund Schedule 2014-2015

| Work Activity  | Approximate Milestone Date |
|--|----------------------------|
| CPUC prepares and circulates the CTC Resolution  | July 25, 2014              |
| CPUC mails out approved CTC Resolution   | September 15, 2014         |
| CPUC letter regarding request for apportionment mailed to railroads  | October 27, 2014           |
| Deadline for railroads to submit apportionment request to include additional crossings in the maintenance fund program | <b>December 31, 2014</b>   |
| Railroads update the cost for the Apportionment  | January 01, 2015           |
| CPUC prepares Resolution to update cost of maintaining crossings ("Cost Resolution")                                   | January 05, 2015           |
| CPUC mails approved Cost Resolution and billing forms to railroads   | January 30, 2015           |
| Deadline for railroads to submit billing forms with full list of crossings and amounts to be reimbursed                | <b>March 12, 2015</b>      |
| CPUC begins working on new claims for payment  | April 06, 2015             |
| CPUC mails the CPM, Remittal paperwork & letters to CTC & Railroads.   | June 30, 2015              |



## **Apportionment of New or Modified Crossings**

For the CPUC to reimburse the railroad for the local roadway authority's share of costs of maintaining automatic warning devices, the CPUC must review each new or modified crossing to document the apportionment of maintenance costs at that crossing. The railroad submits documentation about such changes through the following steps.

1. The cover letter for each apportionment request must include:
  - a) crossing name / street
  - b) milepost number
  - c) federal D.O.T number
  - d) former warning devices/current warning devices
  - e) percentage cost of maintenance apportionment requested
2. If the request is for a new crossing or upgraded warning devices a copy of the agreement with the City or County must be attached.
3. All requests for apportionment, regardless of whether it is an upgrade or new crossing, must be submitted with a completed Form G "Report of Completed Changes at Rail Crossings." Send email to [rceb@cpuc.ca.gov](mailto:rceb@cpuc.ca.gov) for questions.
4. The CPUC's Rail Crossings and Engineering Branch may request other data on the crossing in the annual solicitation for apportionment requests.

### **Public Utilities Code Sections 1202.1 and 1202.2**

Public Utilities Code Section 1202.1 grants the CPUC the authority to apportion, between the railroads and the local roadway authorities, the cost of maintenance of automatic warning devices at railroad crossings.

Public Utilities Code Section 1202.2 requires that the CPUC, in apportioning the maintenance costs for crossings constructed or altered after October 1, 1965, shall divide the cost between the railroads and the local roadway authorities in the same proportion as the cost of construction, unless otherwise established by the Commission's Decision.



## **CPUC and Caltrans Contacts**

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